

Remarks

Claims 1 to 17 and 20 to 25 are pending in the application.

Claim Amendments

The claims have been amended to better define the invention. Basis for new claims 23 to 25 is provided throughout the application, and particularly in paragraphs 24 and 34 of the application as filed.

Applicant elects claims belonging to Group I, which encompasses claims 1 to 13 and 23 to 25 insofar as they relate to polypeptides which promote bone growth and having amino acid sequences identified as SEQ ID NO:12, amino acids 6 to 16 of SEQ ID NO:13, and SEQ ID NO:19, subsequences thereof, conservatively substituted variants thereof, and amino acid sequences encoded by a first nucleic acid molecule which hybridizes with a second nucleic acid molecule under high stringency hybridization conditions the complementary coding strand of which second nucleic acid molecule encodes a polypeptide consisting of 8 to 13 consecutive amino acids selected from the amino acid sequence identified as SEQ ID NO:12.

Applicant elects, with traverse, polypeptide species based on SEQ ID NO:19, which encompasses claims 1 to 13 and 24.

Claim 1 includes amino polypeptides based on the 11-amino acid sequence of amino acids 6 through 16 of SEQ ID NO:13 which includes SEQ ID NO:19 as a subsequence. Claims 23 and 25 are based on SEQ ID NO:12, a 14-amino acid sequence polypeptide which includes SEQ ID NO:19 as a subsequence. Further, the 11-amino sequence of SEQ ID NO:13 is identical to amino acids 3 through 13 of SEQ ID NO:12 save for one amino acid. As such, Applicant believes that it should be entitled to protection across the full scope of these claims.

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There would be no serious burden on the Examiner to search across the full scope of these claims. Setting search parameters to cover all sequences of the generic claims is readily achievable.

Further, the Commissioner has stated that a reasonable number of sequences may be claimed in a single application. See *Examination of Patent Applications Containing Nucleotide Sequences*, 1192 O.G. 68 (November 19, 1996), reproduced in MPEP at the end of the second paragraph of the first column on page 800-10. Applicants respectfully submit that the two longer sequences, and the subsequences thereof, recited in the claims at issue amount to a reasonable number, particularly in view of their relationship to each other.

In the event that this submission is not timely filed, Applicants request that the time for filing the enclosed response be extended pursuant to 37 CFR 1.136(a).

Please charge any fees which may be required for the papers being filed with this letter to Deposit Account No. 502651.

Any telephone call regarding this submission should be made to the undersigned at (416) 865-8121.

Yours very truly,



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Date

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